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3 **UNITED STATES DISTRICT COURT**  
4 **NORTHERN DISTRICT OF CALIFORNIA**  
5 **SAN JOSE DIVISION**  
6

7 CALVARY CHAPEL SAN JOSE, et al.,

8 Plaintiffs,

9 v.

10 SARA CODY, et al.,

11 Defendants.

Case No. 20-cv-03794-BLF

**ORDER DENYING ADMINISTRATIVE  
MOTION TO VACATE TRIAL DATE**

[Re: ECF No. 272]

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13 Before the Court is Defendant County of Santa Clara's Administrative Motion to Vacate  
14 the Trial Date. ECF No. 272. Plaintiffs have opposed the County's motion. ECF No. 273.

15 The County's motion is DENIED. The County has not demonstrated good cause to vacate  
16 the trial date. The Court is setting trials in mid-2025, and thus the delay is unreasonable.

17 The Court is concerned that both parties are forum shopping. The County clearly wants  
18 this Court to defer to state court and Plaintiffs have persuaded the state court to postpone its  
19 hearing on these same claims to block a state court ruling in advance of this Court's ruling on a  
20 motion for summary judgment.

21 As to the 8th Amendment claim, if at the time of trial the state court has not finally  
22 determined the amount of the fine, this Court will sever that claim and decide it after the state  
23 court ruling.

24 **IT IS SO ORDERED.**

25  
26 Dated: February 23, 2023



27  
28 **BETH LABSON FREEMAN**  
United States District Judge